

DO NOTAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Beaufort County
Carmen T. Mullen, Circuit Court Judge

RECEIVED

MAY 28 2014

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

JAMES SIMMONS JR.,

APPELLANT

APPELLATE CASE NO. 2013-002389

**PETITION FOR EXTENSION TO FILE
INITIAL BRIEF OF APPELLANT AND
DESIGNATION OF MATTER**

The undersigned counsel would respectfully request a thirty-day extension in which to file the initial brief of appellant and designation of matter in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following exigent circumstances:

1. The initial brief of appellant and designation of matter in this case are due to be served and filed today having been extended by two prior orders of this Court.
2. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Timothy Carson Ryder in this Court on May 27, 2014. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of State v. Sam

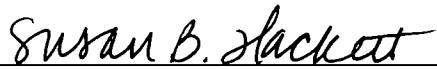
Harold Smith in the Supreme Court on May 21, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Leonard Eugene Jenkins in this Court on May 16, 2014. Counsel filed the Anders brief of appellant and designation of matter along with the Record on Appeal in the case of State v. Reco Antonio Godbolt in this Court on May 12, 2014. Counsel argued in the case of State v. Clarence Williams Jenkins in this Court on May 6, 2014. Counsel filed the Anders brief of appellant and designation of matter along with the Record on Appeal in the case of State v. Zacoata Lopey in this Court on May 5, 2014. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of State v. James Anderson in the Supreme Court on April 24, 2014. Counsel filed a petition for rehearing in the case of State v. David Gerrard Johnson in this Court on April 24, 2014. Counsel filed the Anders brief of appellant and designation of matter along with the Record on Appeal in the case of State v. Wallace E. Evatt, Jr. in this Court on April 23, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Randall Dean Matheny in this Court on April 21, 2014. Counsel argued in the case of State v. Kevin R. in the Supreme Court on April 16, 2014. Counsel argued in the case of State v. Bentley Collins in the Supreme Court on April 15, 2014. Counsel argued in the case of State v. Lamar D. Williams in this Court on April 10, 2014. Counsel filed a petition for rehearing in the case of State v. Tyrone Whatley in this Court on April 3, 2014. Counsel filed a seven-issue petition for writ of certiorari and accompanying appendix in the death penalty case of Stephen Corey Bryant v. State in the Supreme Court on March 28, 2014.

3. This request is made in good faith, and not for purposes of delay.

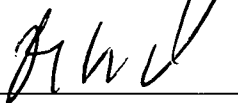
4. As indicated by her consent below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension in which to file the initial brief of appellant and designation of matter in this case. Counsel requests that the time limits for filing the initial brief of appellant and designation of matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,



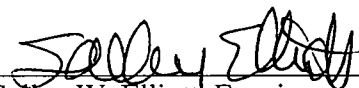
Susan B. Hackett
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

May 28, 2014

I DO NOT OPPOSE:



Salley W. Elliott, Esquire